REMARKS

Claims 2-21 are pending in the application. The claims remain unchanged notwithstanding the art rejections manifested in the Final Office Action.

The rejections of claims 2-10 as being either anticipated by or obvious over *Pozniak* are traversed for the following reasons.

1. The claimed fiber length is not inherent in the teachings of *Pozniak*.

With respect to claims 4, 6-8 the Examiner alleged that "*Pozniak* teaches a friction zone without any 'tackifying agents' (column 2, lines 52-53) whereas 'tackifying' is defined as having loose or sticky fibers." *See* Final Office Action at page 2, lines 5-6 from bottom (emphasis added).

Applicants have carefully reviewed the whole applied reference of *Pozniak* and still failed to locate the definition of "tackifying" mentioned in the Final Office Action. It is clear that *Pozniak* does not teach such definition.

In the Examiner insists otherwise, she is kindly asked to specify the column and line numbers where *Pozniak* defines the term "tackifying."

If the Examiner fails to provide evidential support for her definition of "tackifying," Applicants respectfully submit that the subsequent argument, i.e., "Therefore it is inherent that the length of the fibers..." (Final Office Action, page 2, lines 1-4 from bottom), should not be sustained, and that it is not inherent in *Pozniak* that the fibers have the length as disclosed by Applicants.

The rejection of independent claim 4 should then be withdrawn, because *Pozniak* fails to teach or suggest the limitation recited in the last paragraph of claim 4.

2. The claimed "inelastic" fiber is not inherent in the teachings of *Pozniak*.

Still with respect to claims 4, 6-8 the Examiner alleged that "*Pozniak* teaches a fibrous mixture that has a frictional value proved above to fall between, if not exact, the value stated by the Applicant. Therefore it is inherent that the fibrous mixture ratio that *Pozniak* teaches has to be consistent with the Applicant's ratio in order to produce the frictional force that is disclosed by the Applicant."

The Examiner's argument is not persuasive, because the allegedly inherent characteristic does not necessarily flow from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis added).

In this particular case, *Pozniak* does not necessarily have the claimed fiber mixture, because other materials and fiber mixtures can provide the reference's disclosed frictional coefficients. For example, in column 8, lines 19-67, *Pozniak* discloses that materials other than fibrous materials, such as foam, film, coating, bristles, can provide the disclosed frictional coefficients. In column 8, lines 31-38, *Pozniak* further discloses that non-woven materials made of elastomeric, i.e., elastic, fibers, can provide the reference's disclosed frictional coefficients, too. The nonwoven fabric of *Pozniak* does not necessarily include inelastic fibers in order to obtain the reference's disclosed frictional coefficients.

Accordingly, Applicants respectfully submit that the claimed inelastic fibers are not inherent in *Pozniak*, and that the rejection of independent claim 4 should be withdrawn, because *Pozniak* fails to teach or suggest the limitation recited in the last paragraph of claim 4.

3. The rejection of claim 2 as being obvious over *Pozniak* alone is flawed, because claims 2 depends from claim 11 which is not rejected over *Pozniak* alone.

The rejections of claims 4-21 as being obvious over *Pozniak* in view of *Shimoe* (U.S. Patent No. 6,746,433) are traversed for the following reasons.

4. *Shimoe* cannot be relied upon in a *35 U.S.C. 103(a)* rejection in light of the following facts:

a. *Shimoe* qualifies as prior art only under *35 U.S.C. 102(e)*; AND

b. The instant application was filed after November 29, 1999, the effective date of amended *35 U.S.C. 103(c)*; AND

c. Applicants respectfully submit that the instant application and *Shimoe* were, at the time the instant invention was made, owned by the same company i.e. Uni-Charm Corporation.

35 U.S.C. 103(c) then applies to disqualify *Shimoe* as prior art usable in an obviousness rejection under *35 U.S.C. 103(a)*. It should be noted that the Statement at point (c) alone is sufficient evidence to establish common ownership at the time the instant invention was made. *See MPEP*, section 706.02(l)(2).

Accordingly, Applicants respectfully request that the *35 U.S.C. 103(a)* rejections relying on *Shimoe* be withdrawn.

5. With respect to independent claim 13, Applicants respectfully submit that the applied references, especially *Pozniak*, fail to teach or suggest that each antislip zone is positioned between one slip zone and the landing zone.

The most relevant teaching of *Pozniak* appears to be FIG. 8 with friction zones 36 on opposite sides of the landing zone (near 26). There are, however, no slip zones as presently claimed, because the friction zones 36 are located at the edges of the article and cannot be placed between the landing zones and slip zones as recited in independent claim 13.

Accordingly, Applicants respectfully request that the *35 U.S.C. 103(a)* rejections of claims 13-19 be withdrawn.

All claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under *37 C.F.R. 1.136* is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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